



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

ZONING MAP CHANGE REPORT



Meeting Date: November 18, 2013

Table A. Summary			
Application Summary			
Case Number	Z1300001	Jurisdiction	City (pending annexation)
Applicant	City of Durham	Submittal Date	January 28, 2013
Reference Name	Mineral Springs Road Residential	Site Acreage	9.09
Location	1525 & 1607 South Mineral Springs Road, south of Delmar Drive and north of Windrush Lane.		
PIN(s)	0840-03-93-5671, -6866		
Request			
Proposed Zoning	Planned Development Residential 4.180 (PDR 4.180)	Proposal	Single-family residential
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Low-Medium Density Residential (4-8 DU/Ac.)		
Existing Zoning	Planned Development Residential 4.000 (PDR 4.000), Residential Suburban – 20 (RS-20), and Residential Rural (RR)		
Existing Use	Vacant, single-family residential		
Overlay	F/J-B	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Little Lick Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Approval, 11 – 0 on September 10, 2013. The Planning Commission finds...		
DOST	No comments		
BPAC	See attached memo (Attachment 8)		

A. Summary

This is a request to change the zoning designation of a 9.09-acre site for a proposed maximum development of 33 single-family residential lots. The current zoning designation would allow 25 single family lots. The site is located at 1525 and 1607 South Mineral Springs Road, south of Delmar Drive and north of Windrush Lane (see Attachment 1,

Context Map). This zoning request is consistent with the future land use map designation of the *Comprehensive Plan* which designates the site as Low-Medium Density Residential (4-8 DU/Ac.), and is also consistent with applicable policies and ordinances.

This project is currently in the County's jurisdiction but is associated with an annexation request. Council will consider this zoning map change as part of a consolidated land use item which will include decisions on Annexation, Utility Extension Agreement, and this zoning map change request as an "initial" zoning of newly annexed land where the City is the applicant.

Appendix A provides supporting information.

B. Site History

The present zoning designation of PDR 4.000 on the northern parcel was approved by the Board of County Commissioners on November 24, 2008 for a maximum of 13 single-family residential lots, case Z0800002. The present request, case Z1300001, includes the adjacent parcel to the south.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the PDR district (Sec. 3.5.6.D, Sec. 6.11.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards regarding housing type, minimum lot size, dedication of right-of-way, and a pedestrian connection.

Graphic Commitments. Graphic commitments include the general location of site access points, right-of-way dedication, and location of tree preservation areas.

Determination. If the requested PDR zoning district is approved, this request would allow for a maximum of 33 single-family residential lots. Staff has noted the following:

Stream Buffer and Density. The proposed development plan shows a maximum of 70% impervious surface which would require a 100-foot riparian buffer. The applicant has elected to show a 50-foot riparian buffer which is only permissible for projects with 24% or less impervious surface. This potentially impacts the maximum number of achievable lots with the proposed 4.180 DU/Ac. density because no density credit is given for the area of land in stream buffers. To achieve the proposed maximum of 33 single-family residential lots, the project must be designed with a maximum of 24% impervious surface.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested PDR zoning district is consistent with the Future Land Use Map of the *Comprehensive Plan* and other applicable policies.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.8. The Long Range Bicycle Plan recommends a paved shoulder along South Mineral Springs Road. If approved, this project is not required to construct road improvements and therefore does not warrant improvements associated with the proposed paved shoulder.

Eastern Durham Open Space Plan and Little Lick Creek Open Space Study. This site is within the boundary of the Eastern Durham Open Space Plan and the Little Lick Creek Open Space Study. No specific recommendations have been made of this site in either document. The goal of the open space plan is to preserve and protect open space which “includes areas with cultural and natural resource values, farmland, parkland, and greenway trails.” The two main goals of the Little Lick Creek Open Space Study is to protect drinking water and aquatic habitat.

F. Site Conditions and Context

Site Conditions. This 9.09-acre site is comprised of two parcels located at 1525 and 1607 South Mineral Springs Road, with frontage on South Mineral Springs Road and Callandale Lane. The western portion of the site is cleared with a single-family house on the southern parcel. The eastern portion of the site is tree covered with an isolated 0.10 acre pond. The site is within the Neuse River Basin and is impacted by Neuse Riparian Buffers that are required. The site is also within the Eastern Durham Open Space Plan area and the Little Lick Creek Open Space Study area. There are no identified environmental or physical constraints, other than the stream buffer, that could prevent this site from being developed.

Area Characteristics. This site is in the Suburban Tier on the east side of South Mineral Springs Road, south of Delmar Drive. The site is also within the Eastern Durham Open Space Plan area and the Little Lick Creek Open Space Study area. As the name implies, the goal of the Eastern Durham Open Space Plan is to preserve and protect open space which “includes areas with cultural and natural resource values, farmland, parkland, and greenway trails.” The two main goals of the Little Lick Creek Open Space Study is to protect drinking water and aquatic habitat.

The area surrounding the site is undergoing a change in character. The area was once predominantly used for agriculture and large single-family lots. Several development projects are approved immediately surrounding the subject parcel and include variable housing types. The zoning districts include RR, RS-20, and PDR 2.720.

This area is within the F/J-B Watershed Protection Overlay district which limits impervious surface allowances on proposed development.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed PDR district meets the ordinance requirements in relation to development on the subject site.

Neither the Eastern Durham Open Space Plan nor the Little Lick Creek Open Space Study make specific recommendations for this site other than applying the appropriate stream buffer for regulated streams; which is a Unified Development Ordinance requirement. In this case the development plan reflects the a 50-foot riparian buffer, measured from top of bank on each side, for the stream.

This site is located in an area experiencing a change in character. The proposed PDR district commits to the single-family housing type; which is compatible within the surrounding area which includes both single and multi-family residential neighborhoods, once fully developed.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed PDR district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to increase student generation by three students and increase water demand by 1,240 gallons per day. The existing infrastructure has available capacity to meet these needs.

Water and Sewer. This site is currently in the County and does not presently have access to the adequate water and sewer improvements that would be required of this development. However, a Utility Extension Agreement has been submitted to the City of Durham for these services.

H. Staff Analysis

Staff determines that this request would be consistent with the *Comprehensive Plan* and applicable policies and ordinances. If the requested PDR zoning designation were approved a maximum of 33 single-family residential lots would be permitted provided the project is developed with 24% impervious surface or less.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Jarrod Edens, Edens Land Corp.	Ph: 919-706-0550	jarrod.edens@edensland.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Olive Branch Road Association

K. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Development Plan Reduction 2. BPAC Memo
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A

Appendix A: Application Supporting Information

Attachments:

1. Development Plan Reduction
2. BPAC Memorandum

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
PDR	<p>Planned Development Residential: The PDR district is established to allow for design flexibility in residential development. The district is intended to encourage efficient use of land and public services and to promote high quality design that will provide a variety of dwelling types as well as adequate support services and open space for the residents of the development. The district regulations are intended to allow innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of development.</p>
F/J-B	<p>Falls/Jordan District B Watershed Protection Overlay: The purpose this overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:</p> <ul style="list-style-type: none"> • Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and • Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

Table D2. District Requirements – PDR			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.3.B.1	4	9.09
Residential Density	6.11.3.C	Specified on plan	4.180 (DU/Ac.)
Maximum Height (feet)	6.11.3.C.3	35	35
Minimum Street Yard (feet)	6.11.3.E.1	8	8
Minimum Open Space (%)	6.11.3.F	16 (1.44 ac.)	16 (1.44 ac.)

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Proposed
Tree Coverage	8.3.1C	20% (1.80 acres)	20% (1.80 acres)
Impervious Surface (maximum)	8.7.2B	70% (6.3 acres)	45% (6.3 acres)
Stream Protection (buffer in feet)	8.5.4.B	50*	50*

*Project must be developed with a maximum of 24% impervious surface. Otherwise, a 100-foot stream buffer is required which effects the maximum number of lots permitted under the proposed density.

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	PDR 2.720	0/0	N/A
East	PDR 2.720	0/0	N/A
South	PDR 2.720	0/0	N/A
West	RS-20	0/0	N/A

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. 33 single-family units.	Cover, D-2
	Building/Parking Envelope is not required to be shown for single-family proposals.	N/A
	Project Boundary Buffers are appropriately shown.	D-2
	Stream Crossing. One potential stream crossing is shown.	D-2
	Access Points. Three (3) external site access points have been identified; one of which is pedestrian -only.	D-2
	Dedications and Reservations. See Text Commitments (below) for dedications.	Cover, D-2
	Impervious Area. 70% (6.30 acres)	D-2
	Environmental Features. A stream and stream buffer has been identified as shown.	D-2
	Areas for Preservation. See Tree Coverage (below).	D-2
	Tree Coverage. 1.80 acres (20%) of tree preservation area as shown.	D-2
Graphic Commitments	<ol style="list-style-type: none"> 1. Location of external site access points; three total, one is pedestrian-only. 2. Location of tree preservation areas. 3. Dedication of right-of-way along South Mineral Springs Road as depicted. 	D-2

Table D5. Summary of Development Plan		
Text Commitments	<ol style="list-style-type: none"> 1. The proposed development will be limited to single family residential and accessory uses. 2. Minimum lot size for any residential lot shall be 5,000 square feet. 3. Prior to the issuance of a building permit, dedicate additional right-of-way for the frontage of the site along Mineral Springs Road to provide a minimum of 40 feet of right-of-way as measured from the centerline of Mineral Springs Road. 4. The developer shall provide a pedestrian connection to Mineral Springs Road. 	Cover
SIA Commitments	None Provided.	N/A

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Low -Medium Density Residential (4-8 DU/Ac.): Land primarily used for a range of residential uses between four and eight dwelling units per acre.</p> <p>Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.</p>
2.2.2b	Suburban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.3.1a	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.
2.3.2a	Infrastructure Capacity. Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.
7.2.2d	Open Space Master Plans. Adopts by reference the Eastern Durham Open Space Plan, 2007.
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4c and d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.

Table E. Adopted Plans	
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.
<i>Eastern Durham Open Space Plan</i>	
The goal of the Eastern Durham Open Space Plan is to preserve and protect open space which "includes areas with cultural and natural resource values, farmland, parkland, and greenway trails."	
<i>Little Lick Creek Open Space Study</i>	
The two main goals of the Little Lick Creek Open Space Study is to protect drinking water and aquatic habitat.	
<i>Long Range Bicycle Plan</i>	
Map 4-6 shows a proposed paved shoulder on South Mineral Springs Road.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Vacant, single-family residential	PDR 2.720	F/J-B
East	Vacant, single-family residential	PDR 2.720	F/J-B
South	Vacant, single-family residential	PDR 2.720	F/J-B
West	Vacant, single-family residential	RS-20	F/J-B

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
Mineral Springs Road is the major road impacted by the proposed development. There are no scheduled NCDOT roadway improvement projects in the area.	
Affected Segments	Mineral Springs Road
Current Roadway Capacity(LOS D) (AADT)	10,700
Latest Traffic Volume (AADT)	7,200
Traffic Generated by Present Designation (average 24 hour)*	293
Traffic Generated by Proposed Designation (average 24 hour)**	379
Impact of Proposed Designation	+86

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

Mineral Springs Road: 2-lane city/county class II arterial without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

***Assumption- (Max Use of Existing Zone) PDR 4.000, RS-20, and RR: 25 single-family homes**

**** Assumption- (Max Use of Proposed Zoning) PDR 4.180: 33 single-family home**

Table G2. Transit Impacts
Transit service is not currently provided within one-quarter mile of this site.

Table G3. Utility Impacts
This site is will be served by City water and sewer pending Utility Extension Agreement and Annexation.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is estimated to generate 12 students if developed at the maximum residential capacity. This represents an increase of 3 students over the existing zoning. Durham Public Schools serving the site are Bethesda Elementary School, Neal Middle School, and Southern High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,832	7,717	9,980
Maximum Building Capacity (110% of Building Capacity)	18,515	8,489	10,978
20 th Day Attendance (2012-13 School Year)	16,150	7,212	9,476
Committed to Date (April 2010 – March 2013)	432	151	88
Available Capacity	1,933	1,126	1,414
Potential Students Generated – Current Zoning*	4	2	3
Potential Students Generated – Proposed Zoning**	5	3	4
Impact of Proposed Zoning	+1	+1	+1

*Assumption- (Max Use of Existing Zone) PDR 4.000, RS-20, and RR: 25 single-family homes

** Assumption- (Max Use of Proposed Zoning) PDR 4.180: 33 single-family home

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 5,115 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 1,240 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	23.33 MGD
Approved Zoning Map Changes (April 2010 – March 2013)	0.70 MGD
Available Capacity	12.97 MGD
Estimated Water Demand Under Present Zoning*	3,875 GPD
Potential Water Demand Under Proposed Zoning**	5,115 GPD
Potential Impact of Zoning Map Change	+1,240

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zone) PDR 4.000, RS-20, and RR: 25 single-family homes

** Assumption- (Max Use of Proposed Zoning) PDR 4.180: 33 single-family home